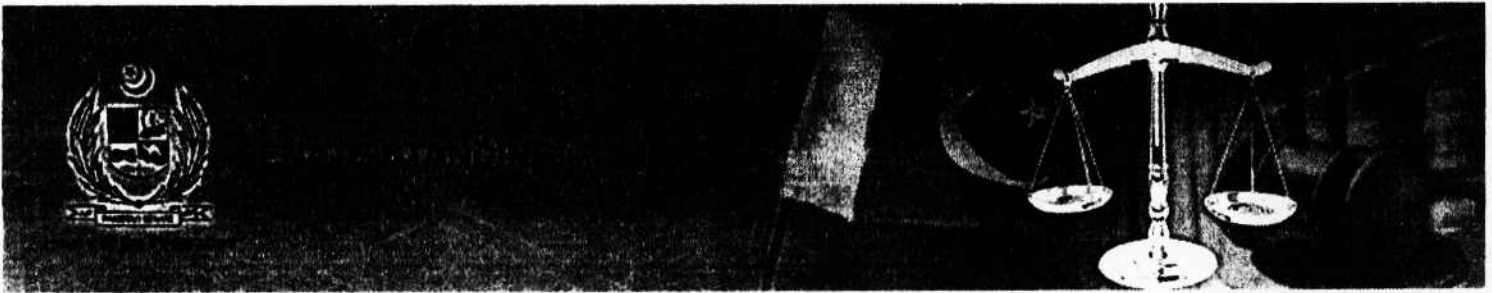


SENATE OF PAKISTAN



REPORT NO. 40

REPORT OF THE SENATE STANDING COMMITTEE ON LAW AND JUSTICE



“THE GENERAL CLAUSES (AMENDMENT) BILL, 2021”

PRESENTED BY

Senator Muhammad Javed Abbasi

Chairman

Standing Committee on Law and Justice

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE GENERAL CLAUSES (AMENDMENT) BILL, 2021"

I, Senator Muhammad Javed Abbasi, Chairman Standing Committee on Law and Justice, have the honor to submit, on behalf of the Committee, this report on "The General Clauses (Amendment) Bill, 2021", introduced by Senator Muhammad Javed Abbasi, in the Senate sitting held on 25th January, 2021 and referred to the Committee for consideration and report.

2. The composition of the Committee is as under:-

1. Senator Muhammad Javed Abbasi	Chairman
2. Senator Mian Raza Rabbani	Member
3. Senator Farooq Hamid Naek	Member
4. Senator Zeeshan Khanzada	Member
5. Senator Sirajul Haq	Member
6. Senator Syed Muzafar Hussain Shah	Member
7. Senator Ayesha Raza Farooq	Member
8. Senator Dr. Ghous Muhammad Khan Niazi	Member
9. Senator Mustafa Nawaz Khokhar	Member
10. Senator Sana Jamali	Member
11. Senator Walid Iqbal	Member
12. Senator Muhammad Ali Khan Saif	Member
13. Senator Musadik Masood Malik	Member
14. Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 29th January 2021, under the chairmanship of Senator Muhammad Javed Abbasi, with the following in attendance:

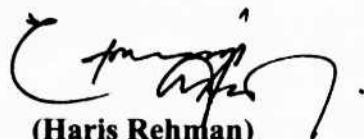
1. Senator Sana Jamali	Member
2. Senator Zeeshan Khanzada	Member
3. Senator Mustafa Nawaz Khokhar	Member

4. Senator Muhammad Javed Abbasi, while explaining the amendments in the General Clauses Act, 1897, said it has been prescribed therein that if a law is struck down by the Supreme Court or

High Court of Pakistan on the grounds of being contradictory to the Islamic Injunctions, the gap between the decision of the Court and new legislation upon the subject matter be addressed with the Islamic Principles. He further added that the Bill was supported by the representative of government in the House at its introduction and that it is in line with the Constitutional scheme. The Ministry of Law and Justice, in its comments, opposed the Bill terming it 'legislation by reference' and vague, as the common Islamic law was not elaborated in the proposed Bill.

5. After deliberations, the Committee decided to put the Bill to vote whereupon it was passed unanimously.

6. The Committee recommends that "The General Clauses (Amendment) Bill, 2021" as introduced in the Senate may be passed by the Senate of Pakistan. The Committee also gave approval for presentation of this report to the House. Copy of the Bill is annexed.



(Haris Rehman)
DS / Secretary Committee



(Senator Muhammad Javed Abbasi)
Chairman, Standing Committee on Law and Justice

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further to amend the General Clauses Act, 1897

WHEREAS it is expedient further to amend the General Clauses Act, 1897 (X of 1897) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the General Clauses (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Insertion of new section 5B, Act X of 1897.- In the General Clauses Act, 1897 (X of 1897), after section 5A, the following new section 5B shall be inserted, namely:-

"5B. Application of Injunctions of Islam on laws held repugnant to Holy Quran and Sunnah. - Where any law or a provision thereof is held by the final competent court to be repugnant to the injunctions of Islam, as laid down in the Holy Quran and Sunnah, and such law or provision thereof is not brought in conformity with such injunctions within the period of ninety days, the resulting gap, void, vacuum in legislation shall be filled by the common Islamic law on the subject."

STATEMENT OF OBJECTS AND REASONS

In cases where certain laws are declared repugnant to the injunctions of the Holy Quran and Sunnah by the final competent court there remains legal void until correction or legislation on the subject is carried.

The proposed amendment in the General Clauses Act shall cover the legal void in all such matters till appropriate legislation is carried on the relevant laws.

SENATOR MUHAMMAD JAVED ABRASI
Member-in-Charge